

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

OLLIE GREENE, *et al.*,

Plaintiffs

v.

TOYOTA MOTOR CORPORATION, *et al.*,

Defendants.

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CAUSE NUMBER: 3:11-cv-0207-N

**TOYOTA DEFENDANTS' OBJECTIONS TO PLAINTIFFS'
DEPOSITION DESIGNATIONS FOR FUKUMOTO, AMSTOCK AND CLYDE**

TO THE HONORABLE COURT:

COMES NOW, Toyota Motor Corporation, Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (collectively “the Toyota Defendants”) and files their Objections to Plaintiffs' Deposition Designations for Fukumoto, Amstock and Clyde:

**I.
ICHIRO FUKUMOTO VOL. 1**

Plaintiffs' Designations	Objections
14:11-25	Toyota objects under Federal Rule of Evidence 403 to 14:21-25 because it addresses other incidents not related to the current claims. Toyota objects under Federal Rules of Evidence 401 and 402 because it is not probative of a fact of consequence.
20:1-21:9	Toyota objects under Federal Rule of Evidence 401, 402, and 403 because it concerns the size and/or net worth of Toyota, which is not relevant at this stage of the bifurcated proceedings, and is unfairly prejudicial while being of no probative value to a fact of consequence.

Plaintiffs' Designations	Objections
23:4-25	Toyota objects under Federal Rules of Evidence 401 and 402 because this lawsuit concerns the 2010 U.S. bound Toyota 4Runner—not other Toyota vehicles.
24:6-25:14	Toyota objects under Federal Rules of Evidence 401 and 402 because this lawsuit concerns the 2010 U.S. bound Toyota 4Runner—not other Toyota vehicles or markets.
25:18-26:16	Toyota objects under Federal Rules of Evidence 401 and 402 because this lawsuit concerns the 2010 U.S. bound Toyota 4Runner—not other Toyota vehicles or markets.
59:1-60:1	Toyota objects under Federal Rules of Evidence 401 and 402 because it does not tend to make a fact of consequence more or less likely. It is also a waste of time and should be excluded under Federal Rule of Evidence 403 because Mr. Fukumoto is not fluent in the English language.
60:3-60:11	Toyota objects under Federal Rules of Evidence 401 and 402 because it does not tend to make a fact of consequence more or less likely. It is also a waste of time and should be excluded under Federal Rule of Evidence 403 because Mr. Fukumoto is not fluent in the English language.
60:23-61:17	Toyota objects because the line of questioning assumes facts not in evidence, including specifically that FEM work was done.
69:2-70:17	Toyota objects because the line of questioning assumes facts not in evidence. Toyota further objects to the line of questioning as unduly repetitious.
73:16-74:8	Toyota objects based on relevance. The document does not relate to the 2010 U.S. Bound Toyota 4Runner.
89:18-90:9	Toyota objects based on relevance and under Federal Rule of Evidence 403. Toyota further objects that it assumes facts not in evidence,

Plaintiffs' Designations	Objections
	including that FE analysis was done.
104:9-14	Toyota objects that the designation is of an incomplete answer in that it does not include the witness's response at 104:15-19. The entire response should be included for completeness.
113:13-115:25	Toyota objects based on relevance and under Federal Rule of Evidence 403. Toyota further objects that it violates the court's limine order.
127:3-128:2	Toyota objects based on relevance as it does not relate to the U.S. bound 2010 Toyota 4Runner

II.
ICHIRO FUKUMOTO VOL. 2

Plaintiffs' Designations	Objections
10:3-12:10	Toyota objects based on relevance because it is not related to the 2010 U.S. bound 4Runner.
46:21-47:8	Toyota objects based on relevance because it is not related to the 2010 U.S. bound 4Runner.
52:6-52:20	Toyota objects based on relevance because it is not related to the 2010 U.S. bound 4Runner.
53:3-53:18	Toyota objects based on relevance because it is not related to the 2010 U.S. bound 4Runner.
56:4-57:15	Toyota objects based on relevance because it is not related to the 2010 U.S. bound 4Runner.
61:3-61:8	Toyota objects based on relevance because Plaintiffs have not made an airbag non-deployment claim.
72:6-72:20	Toyota objects based on relevance because, recalls related to other vehicles are irrelevant, and it is not related to the 2010 U.S. bound 4Runner. Toyota further objects pursuant to Federal Rule of Evidence 403 because the evidence is not of probative value and is unfairly prejudicial to Toyota.
73:20-74:1	Toyota objects based on relevance because recalls related to other vehicles are irrelevant,

Plaintiffs' Designations	Objections
	and it is not related to the 2010 U.S. bound 4Runner. Toyota further objects pursuant to Federal Rule of Evidence 403 because the evidence is not of probative value and is unfairly prejudicial to Toyota.

**III.
MARK AMSTOCK**

Plaintiffs' Designations	Objections	Counter-Designations
7:12-14		
7:18-20		
9:4-7		
11:5-12		11:20-23
13:4-11		
16:4-11		
18:7-23		
21:2-13		
22:8-19		
23:23 – 24:2		
25:7-20		
26:5-7		
28:7-22		

Plaintiffs' Designations	Objections	Counter-Designations
44:7 – 45:4	Toyota objects based on relevance and under Federal Rule of Evidence 403.	
45:15 – 46:25	Toyota objects based on relevance and under Federal Rule of Evidence 403.	
48:4-11		
49:8 – 50:21		
51:4-10		
51:25 – 52:5		
52:12 – 53:14		
53:25 – 55:3		
57:7-15	Toyota objects based on relevance, Federal Rule of Evidence 403 and assumes facts not in evidence.	
58:3-7		
59:12-19	Toyota objects because it assumes facts not in evidence (there is a difference in safety)	
61:16-25		
62:21-24		
64:1-6		
64:22 – 65:12		
67:15-20		
68:17-22		

Plaintiffs' Designations	Objections	Counter-Designations
70:1-16		73:10-15 and 74:8-20
81:8-24		
88:15-25		
94:12 – 95:4		
95:7-12		
95:13 – 96:13	Toyota objects based on relevance, Federal Rule of Evidence 403 and it violates the Court's motion in limine rulings.	
97:18-23	Toyota objects based on relevance, Federal Rule of Evidence 403 and it violates the Court's motion in limine rulings.	
99:24 – 100:12	Toyota objects based on relevance, Federal Rule of Evidence 403 and it violates the Court's motion in limine rulings.	
102:5-15		
104:4-19		
107:16 – 108:6	Toyota objects based on relevance, Federal Rule of Evidence 403 and it violates the Court's motion in limine rulings.	
117:8-21	Toyota objects based on relevance and Federal Rule of Evidence 403.	
117:22 – 118:9	Toyota objects based on relevance and Federal Rule of Evidence 403.	

Plaintiffs' Designations	Objections	Counter-Designations
119:9 – 120:16	Toyota objects based on relevance and Federal Rule of Evidence 403.	
123:13-23	Toyota objects based on relevance and Federal Rule of Evidence 403	

**IV.
HAROLD CLYDE**

Plaintiffs' Designations	Objections	Counter-Designations
8:12-17		
9:7-11		
11:12-18		
11:22-24	Fed. R. Evid. 401, 402, 403	
12:6-11	Fed. R. Evid. 401, 402, 403	
13:21 – 14:9	Fed. R. Evid. 401, 402, 403 – outside the scope	
16:1-10	Fed. R. Evid. 401, 402, 403	
18:19 – 19:9	Fed. R. Evid. 401, 402, 403	
19:13-18	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial order regarding bifurcation	
19:25 – 20:6	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial order regarding bifurcation	
23:17-23		
23:24 – 26:10	24:16—26:10 based on Fed. R. Evid. 401, 402, 403, violates Court's pre-trial	

Plaintiffs' Designations	Objections	Counter-Designations
	limine order (Doc. No. 672, Nos. 3,4)	
28:18 – 30:5	Fed. R. Evid. 401, 402, 403 – outside the scope	
31:4-19	Fed. R. Evid. 401, 402, 403 – outside the scope	
32:16 – 33:2	Fed. R. Evid. 401, 402, 403 – outside the scope	
36:19 – 38:3	Fed. R. Evid. 401, 402, 403 – outside the scope; improper comment on the law; sidebar; harassing	
39:2-8	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial order regarding bifurcation	
45:18-22	Fed. R. Evid. 401, 402, 403; assume facts	
50:7-24	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
56:2-21	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
57:22 – 58:3	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
58:11 – 59:12	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
61:16 – 62:4	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
62:15 – 63:1	Fed. R. Evid. 401, 402, 403; outside the scope; violates	

Plaintiffs' Designations	Objections	Counter-Designations
	Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
64:10 – 65:2	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
66:15 – 68:22	Fed. R. Evid. 401, 402, 403; outside the scope; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
70:14 – 71:5		
72:17-25		
76:3 – 77:22	Fed. R. Evid. 401, 402, 403; outside the scope	
77:23 – 78:9	Fed. R. Evid. 401, 402, 403; outside the scope	
79:10 – 80:17	Fed. R. Evid. 401, 402, 403; outside the scope	
81:7-18		
88:4-9	Fed. R. Evid. 401, 402, 403; outside the scope	
89:2-16	Fed. R. Evid. 401, 402, 403; outside the scope	
90:11 – 91:20		
91:21 – 93:14	Fed. R. Evid. 401, 402, 403; outside the scope; assumes facts; harassing	
98:22 – 99:1	Fed. R. Evid. 401, 402, 403	
99:16 – 101:25	Fed. R. Evid. 401, 402, 403; outside the scope; harassing	
103:14 – 106:8	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	

Plaintiffs' Designations	Objections	Counter-Designations
108:11 – 109:23	Fed. R. Evid. 401, 402, 403; harassing; calls for legal conclusion	
12:24 – 114:13	113:15—114:14 based on Fed. R. Evid. 401, 402, 403; assumes facts	
115:6-25	Fed. R. Evid. 401, 402, 403	
116:1-18	Fed. R. Evid. 401, 402, 403	
116:21 – 117:6		
118:5 – 120:15	Fed. R. Evid. 401, 402, 403	
123:14 – 124:18	Fed. R. Evid. 401, 402, 403	
126:9 – 127:4	Fed. R. Evid. 401, 402, 403	
127:10 – 128:12	Fed. R. Evid. 401, 402, 403	
129:13-21	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
134:4 – 136:3	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
138:25 – 139:11	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
139:23 – 142:17	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
143:22 – 144:9	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	

Plaintiffs' Designations	Objections	Counter-Designations
145:2 – 148:23	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
155:2 - 156:6	Fed. R. Evid. 401, 402, 403; violates Court's pre-trial limine order (Doc. No. 672, Nos. 3,4)	
158:20 – 159:13	Fed. R. Evid. 401, 402, 403	
159:21 – 160:15	Fed. R. Evid. 401, 402, 403; outside the scope	

Respectfully submitted,

/s/ Kurt C. Kern

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in this cause in accordance with the Federal Rules of Civil Procedure on this 25th day of June, 2014.

/s/ Jude T. Hickland